

Chapter 173-182 WAC

OIL SPILL CONTINGENCY PLAN

PART I: PURPOSE, AUTHORITY, APPLICABILITY AND DEFINITIONS

NEW SECTION

WAC 173-182-010 Purpose. The purpose of this chapter is to establish covered vessel and facility oil spill contingency plan (Part II) and drill requirements (Part III), primary response contractor standards (Part IV) and inspection and compliance information (Part V). The provisions of this chapter, when followed, should be implemented and construed so that they will:

- (1) Maximize the effectiveness and timeliness of oil spill response by plan holders and response contractors;
- (2) Ensure continual readiness, maintenance of equipment and training of personnel;
- (3) Support coordination with state, federal, and other contingency planning efforts; and
- (4) Provide for the protection of Washington waters, natural, cultural and significant economic resources by minimizing the impact of oil spills.

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NEW SECTION

WAC 173-182-015 Applicability. This chapter applies to facility, tank and nontank vessel companies and Washington state nonprofit corporations (plan holders) required to submit oil spill contingency plans under chapters 90.56 and 88.46 RCW.

(1) Vessels subject to this chapter are considered "covered" vessels and include the following vessels, other than public vessels, mobile facilities or to spill response vessels that are exclusively dedicated to spill response activities, when operating on the waters of this state:

(a) Tank vessels.

(b) Cargo vessels that are three hundred or more gross tons.

(c) Passenger vessels that are three hundred or more gross tons and have a fuel capacity of at least six thousand gallons.

(2) Facilities subject to this chapter are considered "covered" facilities and include:

(a) Those facilities that:

(i) Transfer oil in bulk to or from a tank vessel or pipeline; and

(ii) Are used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) Those facilities that because of their location, could reasonably be expected to cause substantial harm to the environment if they were to discharge oil into or on the navigable waters of the state or the adjoining shorelines.

(3) Response contractors must be approved by the department before they may serve as primary response contractors for an onshore or offshore facility contingency plan.

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NEW SECTION

WAC 173-182-020 Authority. RCW 88.46.060, 88.46.120, 88.46.160, 90.48.080, 90.56.050, 90.56.060, 90.56.210, 90.56.240, 90.56.340, and chapter 316, Laws of 2006, provide statutory authority for the contingency plan preparation and review

requirements, drill and response contractor standards established by this chapter for vessels and facilities.

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NEW SECTION

WAC 173-182-030 Definitions. (1) "Boom" means flotation boom or other effective barrier containment material suitable for containment, protection or recovery of oil that is discharged onto the surface of the water. Boom also includes the associated support equipment necessary for rapid deployment and anchoring appropriate for the operating environment. Boom will be classified using criteria found in the 2000 ASTM International F 1523-94 (2001) and ASTM International F 625-94 (Reapproved 2000), and the *Resource Typing Guidelines* found in chapter 13 of the 2000 Oil spill field operations guide.

(2) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(3) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, three hundred or more gross tons, including but not limited to commercial fish processing vessels and freighters.

(4) "Cascade" means to bring in equipment and personnel to the spill location in a succession of stages, processes, operations, or units.

(5) "Contract or letter summarizing contract terms" means:

(a) A written contract between a plan holder and a primary response contractor or proof of cooperative membership that identifies and ensures the availability of specified personnel and equipment within stipulated planning standard times; or

(b) A letter that identifies personnel, equipment and services capable of being provided by the primary response contractor within stipulated planning standard times; acknowledges that the oil spill removal organization intends to commit the identified resources in the event of an oil spill.

(6) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel required to participate in this regulation. Public vessels are not covered vessels for the purposes of this chapter.

(7) "Dedicated" means equipment and personnel committed to oil spill response, containment, and cleanup that are not used for any

other activity that would make it difficult or impossible for that equipment and personnel to provide oil spill response services in the time frames specified in this chapter.

(8) "Director" means the director of the state of Washington department of ecology.

(9) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(10) "Effective daily recovery capacity" (EDRC) means the calculated capacity of oil recovery devices that accounts for limiting factors such as daylight, weather, sea state, and emulsified oil in the recovered material.

(11) "Ecology" means the state of Washington department of ecology.

(12) "Facility" means:

(a) Any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that:

(i) Transfers oil in bulk to or from a tank vessel or pipeline; and

(ii) Is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by ecology or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a tank covered vessel, in a single transaction.

(13) "Geographic Response Plans (GRP)" means response strategies developed and approved by the Northwest Area Committee and published in the *Northwest Area Contingency Plan*.

(14) "Gross tons" means a vessel's approximate volume as defined under Title 46, United States Code of Federal Regulations, Part 69.

(15) "High risk sites for planning standards" means an area determined by ecology to contain one or more navigational hazards, abuts or includes areas of critical environmental concern.

(16) "In situ burn" means a spill response tactic involving controlled on-site burning, with the aid of a specially designed fire containment boom and ignitors.

(17) "Interim storage site" means a site used to temporarily store recovered oil or oily waste until the recovered oil or oily waste is disposed of at a permanent disposal site. Interim storage sites include shoreside fixed and portable tanks, trucks, barges, and other vessels or vehicles used to store recovered oil or oily waste until transport begins.

(18) "Maximum extent practicable" means the highest level of effectiveness that can be achieved through staffing levels,

training procedures, deployment and tabletop drills incorporating lessons learned, use of enhanced skimming techniques and other best achievable technology. In determining what the maximum extent practicable is, the director shall consider the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.

(19) "Mobilization" means the time it takes to get response resources readied for operation and ready to travel to the spill site or staging area.

(20) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(21) "Nondedicated" means those response resources listed by a PRC for oil spill response activities that are not dedicated response resources.

(22) "Nonpersistent or group 1 oil" means a petroleum-based oil, such as gasoline, diesel or jet fuel, which evaporates relatively quickly. Such oil, at the time of shipment, consists of hydrocarbon fractions of which:

(a) At least fifty percent, by volume, distills at a temperature of 340°C (645°F); and

(b) At least ninety-five percent, by volume, distills at a temperature of 370°C (700°F).

(23) "*Northwest Area Contingency Plan (NWACP)*" means the regional emergency response plan developed in accordance with federal requirements. In Washington state, the NWACP serves as the statewide master oil and hazardous substance contingency plan required by RCW 90.56.060.

(24) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility, any part of which is located in, on, or under any land of the state, other than submerged land.

(25) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(26) "Oily waste" means oil contaminated waste resulting from an oil spill or oil spill response operations.

(27) "Onshore facility" means any facility, as defined in subsection (12) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(28) "Operating environments" means the conditions in which response equipment is designed to function. Water body classifications will be as found in the ASTM Standard Practice for Classifying Water Bodies for Spill Control Systems.

(29) "Owner" or "operator" means:

(a) In the case of a vessel, any person owning, operating, or chartering by demise, the vessel;

(b) In the case of an onshore or offshore facility, any person owning or operating the facility; and

(c) In the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

Operator does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(30) "Passenger vessel" means a ship of greater than three hundred gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(31) "Persistent oil" means petroleum-based oil that does not meet the distillation criteria for a nonpersistent oil. Persistent oils are further classified based on both specific and American Petroleum Institute (API) observed gravities corrected to 60°F, as follows:

(a) Group 2 - specific gravity greater than or equal to 0.8000 and less than 0.8500. API gravity less than or equal to 45.00 and greater than 35.0;

(b) Group 3 - specific gravity greater than or equal to 0.8500, and less than 0.9490. API gravity less than or equal to 35.0 and greater than 17.5;

(c) Group 4 - specific gravity greater than or equal to 0.9490 and up to and including 1.0. API gravity less than or equal to 17.5 and greater than 10.00; and

(d) Group 5 - specific gravity greater than 1.0000. API gravity equal to or less than 10.0.

(32) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, co-partnership, association, firm, individual, or any other entity whatsoever.

(33) "Pipeline" means a pipeline connected to a facility, and not owned or operated by the facility referred to in subsection (12) of this section.

(34) "Pipeline tank farm" means a facility that is linked to a pipeline but not linked to a vessel terminal.

(35) "Plan" means oil spill response, cleanup, and disposal contingency plan for the containment and cleanup of oil spills from the vessel or facility into the waters of the state and for the protection of fisheries and wildlife, shellfish beds, natural resources, and public and private property from such spills as required by RCW 90.56.210 and 88.46.060.

(36) "Plan holder" means a facility, vessel company or nonprofit company who has submitted an oil spill contingency plan to the Washington state department of ecology.

(37) "Planning standards" means goals that ecology will use to assess whether a plan holder is prepared to respond to the maximum extent practicable to a worst case spill. Ecology will use planning standards for reviewing oil spill contingency plans and evaluating drills.

(38) "Primary response contractor (PRC)" means a response contractor that has been approved by ecology and is directly responsible to a contingency plan holder, either by a contract or other approved written agreement.

(39) "Public vessel" means a vessel that is owned, or demise chartered, and operated by the United States government or a government of a foreign country and that is not engaged in commercial service.

(40) "Regional response list" means a regional equipment list established and maintained by spill response equipment owners in the northwest area.

(41) "Resident" means the spill response resources are staged at a location within the planning area.

(42) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(43) "Spill" means an unauthorized discharge of oil which enters waters of the state.

(44) "Spill assessment" means determining product type, potential spill volume, environmental conditions including tides, currents, weather, river speed and initial trajectory as well as a safety assessment including air monitoring.

(45) "Systems approach" means an assessment of the infrastructure and the support resources that a plan holder or a PRC has to mobilize, transport, deploy, sustain, and support the equipment resources necessary for response.

(46) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(47) "Transmission pipeline" means a pipeline whether interstate or intrastate, subject to regulation by the United States Department of Transportation under 49 C.F.R. 195, as amended through December 5, 1991, through which oil moves in transportation, including line pipes, valves, and other appurtenances connected to line pipe, pumping units, and fabricated assemblies associated with pumping units.

(48) "Transfer site" means a location where oil is moved in bulk on or over waters of the state by a covered vessel by means of pumping, gravitation, or displacement.

(49) "Recovery system" means a skimming device, storage work boats, boom, and associated material needed such as pumps, hoses, sorbents, etc., used collectively to maximize oil recovery.

(50) "Umbrella plan" means a single plan that covers multiple vessels or facilities.

(51) "Vessel terminal" means a facility that is located on

marine or river waters and transfers oil to or from a tank vessel.

(52) "Waters of the state" means all lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(53) "Worst case spill" means:

(a) For an offshore facility, the largest possible spill considering storage, production, and transfer capacity complicated by adverse weather conditions; or

(b) For an onshore facility, the entire volume of the largest above ground storage tank on the facility site complicated by adverse weather conditions, unless ecology determines that a larger or smaller volume is more appropriate given a particular facility's site characteristics and storage, production, and transfer capacity; or

(c) For a vessel, a spill of the vessel's entire cargo and fuel complicated by adverse weather conditions; or

(d) For pipelines, the size of the worst case spill is dependent on the location of pump stations, key block valves, geographic considerations, or volume of the largest breakout tank. The largest volume determined from three different methods, complicated by adverse weather conditions:

(i) The pipeline's maximum time to detect the release, plus the maximum shutdown response time multiplied by the maximum flow rate per hour, plus the largest line drainage volume after shutdown;

(ii) The maximum historic discharge from the pipeline; and

(iii) The largest single breakout tank or battery of breakout tanks without a single secondary containment system. Each operator shall determine the worst case discharge and provide the methodology, including calculations, used to arrive at the volume.

(54) "WRIA" means a water resource inventory area as defined in chapter 173-500 WAC.

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PART II: VESSEL AND FACILITY OIL SPILL CONTINGENCY PLANS

Section A--General Planning, Information and Timing

NEW SECTION

WAC 173-182-110 Authority to submit contingency plan. (1) For tank vessels, a plan may be submitted by any of the following:

- (a) The owner or operator; or
- (b) The owner or operator of the facilities at which the vessel will be unloading its cargo; or
- (c) A Washington state nonprofit corporation established for the purpose of oil spill response and contingency plan coverage and of which the owner or operator is a member; or
- (d) A PRC contractually obligated to provide containment and cleanup services to the tank vessel company.

(2) For nontank vessels regulated under this chapter, a plan may be submitted by any of the following:

- (a) The owner or operator; or
- (b) The agent for the vessel provided that the agent resides in this state; or
- (c) A Washington state nonprofit corporation established for the purpose of oil spill response and contingency plan coverage and of which the owner or operator is a member; or
- (d) A PRC contractually obligated to provide containment and cleanup services to the vessel company.

(3) For facilities, a plan may be submitted by any of the following:

- (a) The owner or operator; or
- (b) A PRC contractually obligated to provide containment and cleanup services to the vessel company.

(4) One plan, or one umbrella plan, may be submitted for multiple vessels, and/or for multiple facilities, provided that the plan contents meet the requirements in this chapter for each vessel or facility.

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NEW SECTION

WAC 173-182-120 Submitting a contingency plan. (1) Plan holders shall submit a plan to ecology no less than sixty-five days

prior to the beginning of operations in Washington.

(2) The plan holder shall submit three copies of the plan and all appendices. However, if the plan and appendices are submitted with an acceptable use of electronic copy, the plan holder shall submit at least one paper copy.

(3) Once approved, plan holders shall resubmit their plans to ecology every five years for review and approval.

(4) The plans shall be delivered to:

Department of Ecology

Spill Prevention, Preparedness, and Response Program

Preparedness Section, Contingency Plan Review

Mailing address:

P.O. Box 47600

Olympia, WA 98504-7600

Physical Address:

300 Desmond Drive

Lacey, WA 98503

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NEW SECTION

WAC 173-182-130 Phase in language. (1) This section applies to those plan holders who, on the effective date of this chapter, have approved or conditionally approved plans, and response contractors with approved applications.

(2) For existing approved facility plan holders:

(a) Plans holders for onshore facilities capable of storing one million gallons or more of oil shall submit a revised contingency plan to ecology six months after the effective date of this chapter; except, plan holders that received plan approval six months prior to the effective date of this chapter must submit a revised plan within twelve months of the effective date of this chapter. In submitting the revised plan, plan holders must include a compliance schedule describing how they will meet the requirements in WAC 173-182-310 through 173-182-440. Plan holders shall have eighteen months from the effective date of this chapter to reach compliance.

(b) All other onshore facilities shall submit revised plans to ecology within twelve months after the effective date of this chapter; except plan holders that received plan approval six months prior to the effective date of this chapter must submit a revised plan within eighteen months of the effective date of this chapter.

In the revised plan, plan holders must include a compliance schedule describing how they will meet the requirements in WAC 173-182-310 through 173-182-440. Plan holders shall have twenty-four months from the effective date of this chapter to reach compliance.

(3) For existing approved vessel plan holders:

(a) Plan holders for tank vessels submit a revised contingency plan to ecology six months after the effective date of this chapter; except plan holders that received plan approval six months prior to the effective date of this chapter must submit a revised plan within twelve months of the effective date of this chapter. In the revised plan, plan holders must include a compliance schedule describing how they will meet the requirements in WAC 173-182-310 through 173-182-440. Plan holders shall have eighteen months from the effective date of this chapter to reach compliance.

(b) All other covered vessels shall submit revised plans to ecology within twelve months after the effective date of this chapter; except plan holders that received plan approval six months prior to the effective date of this chapter must submit a revised plan within eighteen months of the effective date of this chapter. In the revised plan, plan holders must include a compliance schedule describing how they will meet the requirements in WAC 173-182-310 through 173-182-440. Plan holders shall have twenty-four months from the effective date of this chapter to reach compliance.

(4) PRCs shall submit new applications to ecology within twelve months.

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NEW SECTION

WAC 173-182-140 Plan maintenance and reporting obligations.

(1) At least annually, plan holders shall review the plan for accuracy and either:

(a) Update and distribute the amended page(s) of the plan to ecology for review and approval; or

(b) If no plan changes are needed, send a letter to ecology confirming that the existing plan is still accurate.

(2) If there is a temporary, significant change to response readiness, the plan holder shall notify ecology in writing within twenty-four hours and provide a schedule for the prompt return of the plan to full operational status. Changes which are considered significant include loss of equipment that affects the planning standards provided in the plan, or loss of initial response

personnel listed in command and general staff incident command system (ICS) positions provided in the plan or changes in normal operating procedures. A facsimile or electronic mail will be considered written notice.

(3) Failure to notify ecology of significant changes shall be considered noncompliance with this chapter.

(4) If the change to the plan is permanent, the plan holder then shall have thirty calendar days to distribute the amended page(s) of the plan to ecology for review.

(5) If ecology finds that, as a result of a change, the plan no longer meets approval criteria; ecology may place conditions on approval or revoke approval of the plan.

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NEW SECTION

WAC 173-182-145 Plan implementation procedures. (1) Every plan holder, including each person whose vessel or facility enrolls in coverage under an umbrella plan, is required to implement the Washington approved plan throughout the response to a spill and drill. A decision to use a different plan must first be approved by the state and federal on-scene coordinators.

(2) The plan holder must receive approval from ecology before any significant aspect of the spill response is conducted in a manner contrary to the plan unless:

(a) Such actions are necessary to protect human health and safety; or

(b) Such actions must be performed immediately in response to unforeseen conditions to avoid additional environmental damage; or

(c) The plan holder has been directed to perform such actions by the state and federal on-scene coordinators.

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NEW SECTION

WAC 173-182-150 Post-spill review and documentation procedures. (1) Plan holders are required to conduct post-spill review procedures to review both the effectiveness of the plan and make plan improvements. Debriefs with ecology and other participating agencies and organizations may be appropriate if:

- (a) Unified command has been established during a spill; or
- (b) When significant plan updates are identified or significant lessons can be captured.

Plan holders must accurately track and account for the entire volume of oil recovered and oily wastes generated and disposed during spills.

(2) Plan holders must provide these records to ecology upon request.

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Section B--Contingency Plan Format and Content

NEW SECTION

WAC 173-182-210 Contingency plan format requirements. (1) Plan holders shall format and maintain plans to maximize their usefulness during a spill. Information shall be readily accessible and plans will contain job aids, diagrams and checklists for maximum utility.

(2) Plans shall be divided into a system of numbered, tabbed chapters, sections and annexes/appendices. Each plan shall include a detailed table of contents based on chapter, section, and annex/appendix numbers and titles, as well as tables and figures.

(3) Plans shall be formatted to allow replacement of pages with revisions without requiring replacement of the entire plan.

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NEW SECTION

WAC 173-182-220 Binding agreement. (1) Each plan shall contain a written statement binding the plan holder to its use. Form number ECY 070-217 may be used. The binding agreement shall be signed by the owner or operator, or a designee with authority to bind the owners and operators of the facility or vessel covered by the plan. The agreement is submitted with the plan and will include the name, address, phone number, and if appropriate the e-mail address, and web site of the submitting party.

(2) In the statement, the signator will:

(a) Verify acceptance of the plan and commit to an aggressive response to spills in Washington;

(b) Commit to notification of spills and significant threats of spills;

(c) Commit to having an incident commander in the state within six hours after notification of a spill;

(d) Commit to the implementation and use of the plan during a spill, and to the training of personnel to implement the plan; and

(e) Verify authority and capability of the plan holder to make necessary and appropriate expenditures in order to implement plan provisions.

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NEW SECTION

WAC 173-182-230 Contingency plan general content. (1) Contingency plans must include all of the content in this section.

(2) In Washington state, the *Northwest Area Contingency Plan* (NWACP) serves as the statewide master oil and hazardous substance contingency plan required by RCW 90.56.060. Plan holders shall

write plans that refer to and are consistent with the NWACP.

(3) All contingency plans must include the following:

(a) Each plan shall state the federal or state requirements intended to be met by the plan.

(b) Each plan shall state the size of the worst case spill.

(i) For transmission pipelines, more than one worst case spill volume for different line sections on the entire pipeline may be submitted to ecology for consideration.

(ii) If vessel operations differ by areas, a worst case volume for each area may be submitted to ecology for consideration.

(iii) For multiple facilities using a single plan, one worst case spill volume is required for each facility location.

(c) Each plan shall have a log sheet to record revisions and updates to the plan. The log sheet shall identify each section amended, including the date of the amendment, verification that ecology was notified and the name of the authorized person making the change. A description of the amendment and its purpose shall also be included in the log sheet, or filed as an amendment letter to be inserted in the plan immediately after the log sheet.

(d) Each plan shall have a cross-reference table reflecting the locations in the plan of each component required by this regulation.

(e) Each plan shall have the PRC's name, address, phone number, or other means of contact at any time of the day.

(i) A contract or letter summarizing the terms of the contract signed by the PRC, shall be included in the plan.

(ii) If the contract is not submitted, that document shall be available for inspection, if requested by the department.

(iii) For mutual aid agreements that a plan holder relies on to meet the planning standards, the plan shall include a copy of the agreement and describe the terms of that document in the plan.

(iv) If a plan holder relies on a PRC to staff ICS positions for the spill management team, then the contract or letter summarizing the terms of the contract shall specifically identify that commitment.

(f) If applicable, a list of all other plans that are relied on for spill response and describe how coordination will occur.

(4) Additional facility content.

Facility plans shall include:

(a) The name, location, type and address of the facility;

(b) Starting date of operations;

(c) Description of the operations covered by the plan:

(i) List the oil handling operations that occur at the facility location.

(ii) List by group and amount the oil handled.

(iii) Include a written description and map indicating site topography, storm water and other drainage systems, mooring areas, pipelines, tanks, and other oil processing, storage, and transfer sites and operations.

(iv) A description of the geographic area that could be impacted from a spill at the location based on a forty-eight hour worst case spill trajectory analysis.

- (5) Additional vessel content:
 - (a) Name of each vessel covered under the plan;
 - (b) The name, location, and address of the owner or operator;
 - (c) Official identification code or call sign;
 - (d) Country of registry;
 - (e) All ports of call or areas of expected operation in Washington waters;
 - (f) Type of oil(s) handled;
 - (g) Oil volume capacity;
 - (h) Description of the operations covered by the plan;
 - (i) List by group and amount the oil handled.
 - (ii) Include a written description and diagram indicating cargo, fuel, and ballast tanks and piping, power plants, and other oil storage and transfer sites and operations.
- (6) Special exemptions for vessel umbrella plans shall, at a minimum, include the following:
 - (a) In lieu of providing vessels names, call signs and country of registry, vessel umbrella plan holders shall maintain accurate enrollment or member lists with vessel specific information provided by covered vessels and shall make the information available to ecology upon request.
 - (b) Umbrella plans for vessels shall include list by group and amount the oil handled, by the types of vessels that are to be enrolled in the plan. In addition, vessel diagrams shall be available for inspection by ecology. The procedure for the plan holder to acquire vessel diagrams needs to be documented in the plan.

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NEW SECTION

WAC 173-182-240 Field document. (1) Each plan shall contain a field document which lists time critical information for the initial emergency phase of a spill. The owner or operator of the vessel or facility shall make the field document available to personnel who participate in oil handling operations and keep the field document in key locations at facilities, docks, on vessels and in the plan. The locations where field documents are kept must be listed in the plan.

Umbrella vessel plans shall include procedures in the plan to ensure each vessel covered by the plan is provided the field document prior to entering Washington waters.

- (2) At a minimum, the field document shall contain:
- (a) A list of the procedures to detect, assess and document the presence and size of a spill;
 - (b) Spill notification procedures and a call out list that meets the requirements in WAC 173-182-260; and
 - (c) A checklist that identifies significant steps used to respond to a spill, listed in a logical progression of response activities.

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NEW SECTION

WAC 173-182-250 Initial response actions. (1) Plan holders are required to document their initial spill actions and the plan shall include the forms that will be used for such documentation.

(2) The plan shall describe what equipment will be used to conduct initial spill assessment, including equipment effective during darkness and low visibility conditions, such as visual methods, tracking buoys, trajectory modeling, aerial overflights, thermal or infrared imagery.

(3) The plan must state how safety assessment including initial air monitoring will be conducted for all types of spills, including spills to groundwater.

(4) The plan must list procedures that will be used to confirm the occurrence of a spill, estimate the quantity and nature, and to later correct or update the initially reported estimated quantity or the area extent of the contamination if it changes significantly.

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NEW SECTION

WAC 173-182-260 Notification and call-out procedures. (1) Plan holders must make immediate notifications and call-outs after spills. Each plan shall include a list of the names and phone numbers of required notifications to government agencies, response contractors and spill management team members, and establish the order of priority for notification.

(2) The list shall also identify the name of a central reporting office or individuals who are responsible for implementing the notification and call-out process.

(3) This list need not be included in the plan, but shall be available for review by ecology upon request and verified during drills.

(4) In addition, facility plan holders shall also address how notifications will be made to required government agencies for spills to ground or into permeable secondary containment, and threatened or confirmed spills to ground water.

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NEW SECTION

WAC 173-182-270 Maintenance records for response equipment. (1) Plan holders are required to maintain response equipment in a state of constant readiness and in accordance with manufacturer specifications. Each plan shall include the schedules, methods, and procedures for equipment maintenance.

(2) Maintenance records shall be kept for at least five years and made available if requested by ecology for inspection.

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NEW SECTION

WAC 173-182-280 Spill management teams. (1) Each plan shall

contain information on the personnel (including contract personnel) who will be available to manage an oil spill response operation. To meet the requirement, the plan shall include:

(a) An organizational diagram depicting the chain of command for the spill management team for a worst case spill.

(b) For the purpose of ensuring depth of the spill management team, an organization list of one primary and one alternate person to lead each ICS spill management position down to the unit/branch level as depicted in the NWACP standard ICS organizational chart. This list may be maintained at the plan holder's office and be made available to ecology upon request. If a response contractor is used to fill positions, they must be from the state's approved PRC list.

(c) A job description for each spill management position; except if the plan holder follows without deviation the job descriptions contained in the NWACP. If the job descriptions are consistent with the NWACP, then the plan holder may reference the NWACP rather than repeat the information.

(d) The planning process which will be used to manage a spill. If the process is consistent with the NWACP then the plan holder may reference the NWACP rather than repeat the information.

(2) The plan shall address the type and frequency of training that each individual listed in subsection (1)(b) of this section receives. The training program at a minimum shall include ICS, NWACP policies, use and location of GRPs, the contents of the plan and worker health and safety as appropriate. The training program shall include participation in periodic announced and unannounced exercises and participation should approximate the actual roles and responsibilities of the individual specified in the plan. New employees shall complete the training program prior to being assigned job responsibilities which require participation in emergency response situations.

(3) Vessel plan holders shall identify a primary and alternate incident commander's representative that can form unified command at the initial command post, and if located out-of-state, a primary and alternate incident commander that could arrive at the initial command post within six hours. The plan shall include time frames for arrival of the remainder of the spill management team to the spill site, or at the incident command post as appropriate.

(4) The plan shall list a process for orderly transitions of initial response staff to incoming local, regional or away team personnel, including transitions between shift changes.

(5) Vessel umbrella plans must include the transition from umbrella plan personnel to the vessel owner or operator's team.

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Section C--Planning Standards

NEW SECTION

WAC 173-182-310 Planning standards. (1) Ecology shall apply a planning standard when determining the ability of a plan holder to meet the purposes of this regulation. Each planning standard is subject to being verified at scheduled or unannounced drills. In an actual spill event, initial deployment shall be guided by safety considerations and the responsible party must address the entire volume of an actual spill regardless of the planning standards.

(2) The planning standards described below do not constitute cleanup standards that must be met by the holder of a contingency plan. Failure to remove a discharge within the time periods set out in this section does not constitute failure to comply with a contingency plan for purposes of this section or for the purpose of imposing administrative, civil, or criminal penalties under any other law.

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NEW SECTION

WAC 173-182-315 Planning standards for nondedicated work boats and operators. Each plan holder shall have a system and describe it in the plan to obtain nondedicated work boats and operators that will be available to deploy GRPs, enhance skimming, as vessel of opportunity skimming systems, logistical support or other uses during a spill. At a minimum, the plan shall describe a system that will support the worst case spill response with work boats and operators that could have arrived on scene beginning at twelve hours.

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NEW SECTION

WAC 173-182-320 Planning standards for aerial surveillance.

Each plan shall identify how aerial oil tracking resources will be located and procured. At a minimum, the plan shall describe resources capable of supporting oil spill removal operations for three, ten-hour operational periods during the initial seventy-two hours of the discharge. Resources could have arrived on scene beginning at six hours, except for the high risk areas on the Columbia River where the resources could have arrived on scene within three hours.

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NEW SECTION

WAC 173-182-325 Planning standards for dispersants. (1) Plan holders with vessels carrying group II or III persistent oil as a primary cargo that transit in any area where preapproval or case-by-case use of dispersants is available as per the Northwest area contingency plan, must plan for the use of dispersants.

(2) The plan holder must identify the locations of dispersant stockpiles capable of dispersing the lesser of five percent of the worst case spill volume or twelve thousand barrels per day, using a dispersant to oil ratio of one to twenty.

(3) The plan holder must describe the methods of transporting equipment and supplies to a staging area, and appropriate aircraft or vessels to apply the dispersant and monitor its effectiveness.

(4) These resources must be capable of being on scene within twelve hours of spill awareness.

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NEW SECTION

WAC 173-182-330 Planning standards for in situ burning. (1) Based on the NWACP, plan holders operating in areas where in situ burning is feasible (has an expedited approval process) must plan for the use of in situ burning.

(2) The plan holder must identify the locations of two fire booms, air monitoring equipment, igniters and aircraft or vessels to be used to deploy the igniters.

(3) The fire booms must be five hundred feet in length and each boom must have an additional one thousand feet of conventional boom, tow bridles and work boats capable of towing the boom for burning operations.

(4) The plan holder must describe the methods of transporting the equipment to a staging area, and appropriate aircraft or vessels to monitor its effectiveness at the scene of an oil discharge.

(5) These resources must be capable of being on scene within twelve hours of spill awareness.

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NEW SECTION

WAC 173-182-335 Planning standards for storage. Plan holders shall identify both on-water devices and shoreside interim storage locations. Shoreside storage can be identified to meet fifty percent of storage requirements in the tables below, if the plan holders can demonstrate that recovered oil can be transported to the shoreside storage.

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NEW SECTION

WAC 173-182-345 Determining effectiveness of recovery systems. Plan holders shall provide information for ecology to determine the effectiveness of the recovery systems and how the equipment meets the planning standards. Ecology will use the criteria in ASTM International F 1780-97 (Reapproved 2002).

(1) Determination of efficiency of recovery systems in varied operating environments and product types

(a) For all skimmers, describe how the device is intended to be transported and deployed. List the boom and work boats associated with each water based skimming system. Identify the pumps and pumping capacity that will be used to transfer product to storage devices.

(b) For all oil recovery systems that rely on a vessel of opportunity or nondedicated transport asset, include a statement on how the asset would be located and secured. Include in the plan the mobilization time needed to ensure the assets are available and on scene in a timely manner, as well as the time needed to set up the oil recovery system, and the personnel that will be used in the operations.

(2) Determination of effective daily recovery capacity (EDRC).

When evaluating contingency plans and PRC applications, ecology will determine an effective daily recovery capacity (EDRC) of oil recovery devices in order to consider potential limitations from available daylight, weather, sea state, interim storage associated with the recovery device and percentage of emulsified oil in the recovered material. When calculating the EDRC, the formula $R = T \times 24 \text{ hours} \times E$ will be used.

R = Effective daily recovery capacity

T = Throughput rate in barrels per hour (nameplate capacity)

E = 20 percent (efficiency factor).

(3) Equipment owners may request an alternative EDRC by providing all of the following information:

(a) A description of the recovery system which includes skimmer, boom, pump, work boats, and storage associated with the device;

(b) Description of deployment methods that will be used to enhance the recovery system to maximize oil encounter rate during spills;

(c) Documented performance during verified spill incidents; and

(d) Documentation of laboratory testing using ASTM standard methods (ASTM F 631-80) or equivalent test approved by the U.S. Coast Guard.

(4) The following formula will be used to calculate the effective daily recovery capacity for this alternative approach:

$R = D \times U$
R = Effective daily recovery capacity
D = Average oil recovery throughput rate in barrels per hour
U = 10 (hours of operation). 10 hours is used for potential limitations due to available daylight, weather, sea state, and percentage of emulsified oil in the recovered material.

Additionally, EDRC is limited to the storage capacity of the proposed recovery system.

For each skimming system identify the oil storage associated with each recovery system. State the storage capacity integral to the oil recovery system, if applicable. Describe how recovered oil is to be transported to/from interim storage.

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NEW SECTION

WAC 173-182-350 Documenting compliance with the planning standards. The plan holder shall describe how the planning standards found in this chapter are met.

(1) Each plan shall provide a spreadsheet on the resources intended to meet the planning standards as described in this chapter. This spreadsheet shall account for boom, recovery systems, storage, and personnel by type, quantity, home base and provider.

(2) Ecology will analyze the planning standard spreadsheet provided to determine whether the plan holder has access to equipment and personnel necessary to meet the planning standards.

(3) When computing planning standard calculations, plan holders will include time for notification and mobilization of equipment and personnel. The time needed for a resource to move to the spill site is the sum of the notification, mobilization, and travel times. For dedicated resources owned by the plan holder, mobilization equals thirty minutes. For all other dedicated response equipment mobilization equals one hour. Nondedicated resources shall have a mobilization time of three hours.

(4) Equipment travel speeds shall be computed using a speed of thirty-five miles per hour for land and five knots for water. Ecology will use standard nautical charts and street maps and available on-line mapping programs to determine the length of time it will take equipment to cover a given distance.

(5) Plan holders may request approval for higher notification, mobilization, and travel time by providing documentation to justify

the request, such as actual performance during spills or unannounced drills.

(a) The request shall include date and time of performance or test, weather/sea state conditions and transportation information.

(b) If ecology accepts these alternative response times then these response times will be tested in unannounced drills to verify alternative calculations.

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NEW SECTION

WAC 173-182-355 Transfer locations for vessels at places where transfers occur, and for facilities with a vessel terminal.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage
1	Must meet standards in chapters 173-180 and 317-40 WAC, Oil transfer rule		
2	Must meet standards in chapters 173-180 and 317-40 WAC, Oil transfer rule		
6	Additional 10,000 feet of boom to be used for containment, recovery or protection could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 12,500 barrels within 24-hour period could have arrived	2 times the EDRC
12	Additional 40,000 feet of boom to be used for containment, recovery or protection could have arrived	Capacity to recover the lesser of 15% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived	2 times the EDRC
24	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 20% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	3 times the EDRC

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage
48	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

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NEW SECTION

WAC 173-182-360 Transmission pipelines and pipeline tank farms. (1) To determine the amount of boom necessary for the two hour standard the plan holder must identify by WRIA, state surface waters with the potential to be impacted by a spill from the pipeline.

(a) To determine the initial booming requirements, select the widest stream within the WRIA.

(b) Determine the average river speed at this location.

(i) For streams with a current of two knots boom in the amount of three times the widest point in the stream that the pipeline could affect.

(ii) For streams with a current of three knots the requirement would be for five times the widest point in the stream that the pipeline could affect.

(iii) For streams with a current of five knots the requirement would be for seven times the widest point in the stream that the pipeline could affect.

(2) Or alternatively, the two hour standard will be two thousand feet of boom.

(3) Boom required for the two hour standard shall be dedicated to the facility and may be staged in various locations along the pipeline.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
1	A safety assessment of the spill by trained crew and appropriate air monitoring could have arrived		
2	Boom available at the spill source or downstream of the source could have arrived		
6	Additional 5,000 feet of boom available for containment, recovery or protection could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived	1 times the EDRC
12	Additional 20,000 feet of boom to be used for containment, protection or recovery could have arrived	Capacity to recover the lesser of 15% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived	2 times the EDRC
24	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 20% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	3 times the EDRC
48	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

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NEW SECTION

WAC 173-182-365 San Juan Island National Wildlife Refuge. Those vessel and facility plan holders that transit or operate within San Juan County must meet this standard. The resources to meet the two and three hour standards must be resident.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 10,000 feet combination of appropriate types of boom to be used for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived	1 times the EDRC
12	Additional 20,000 feet combination of appropriate types of boom to be used for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived	1.5 times the EDRC
24	Additional 40,000 feet combination of appropriate types of boom to be used for containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

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NEW SECTION

WAC 173-182-370 Padilla Bay National Estuary Research Reserve. Those vessel and facility plan holders that transit or operate north of State Highway 20, east of a line drawn from Shannon Point on Fidalgo Island to Kellys Point on Guemes Island, south of a line drawn from Clark Point on Guemes Island and William Point on Sammish Island must meet the following standards. Some of the GRPs may be deployed by land.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage in Barrels
1.5	A safety assessment of the spill by trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
2	Additional 2,000 feet of boom, or 4 times the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 10,000 feet of appropriate types of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived. 50% must be able to work in shallow water environments - depth of 10 feet or less	1 times the EDRC
12	Additional 20,000 feet of appropriate types of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived on scene. At least 20% of the skimming capability must be able to work in shallow water environments - depth of 10 feet or less	1.5 times the EDRC
24	Additional 40,000 feet of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

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NEW SECTION

WAC 173-182-375 Commencement Bay--Quartermaster Harbor.
Those vessel and facility plan holders that transit or operate within a five nautical mile radius of a point at Lat. 47°19'29"N Long. 122°27'23"W (WGS 1984) must meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
1.5	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
2	Additional 2,000 feet of boom, or 4 times the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 10,000 feet of appropriate types of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived	1 times the EDRC
12	Additional 10,000 feet of appropriate types of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived	1.5 times the EDRC
24	Additional 40,000 feet of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
48	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

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NEW SECTION

WAC 173-182-380 Nisqually National Wildlife Refuge. Those vessel and facility plan holders that transit or operate within a five nautical mile radius of a point at Lat. 47°06'43"N Long. 122°41'53"W (WGS 1984) must meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 12,000 feet of boom with at least 2,400 feet of boom being calm water - current capable appropriate for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived. 50% must be able to work in shallow water environments - depth of 10 feet or less	1 times the EDRC

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
12	Additional 10,000 feet of boom with at least 1,000 feet of boom calm water - current capable, for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 50% of the skimming capability must be able to work in shallow water environments - depth of 10 feet or less	1.5 times the EDRC
24	Additional 20,000 feet of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

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NEW SECTION

WAC 173-182-385 Dungeness National Wildlife Refuge. Those vessel and facility plan holders that transit or operate within a five nautical mile radius of a point at Lat. 48°10'56"N Long. 123°06'38"W (WGS 1984) must meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived on scene		
6	Additional 7,000 feet of boom with at least 3,000 feet of open water boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived. At least 50% must be capable of working in open water environments	1 times the EDRC
12	Additional 10,000 feet of boom appropriate for all potential areas of impact for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 50% must be capable of working in open water environments	1.5 times the EDRC
24	Additional 20,000 feet combination of appropriate types of boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

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NEW SECTION

WAC 173-182-390 Neah Bay Staging Area. Those vessel and facility plan holders that transit or operate within a five nautical mile radius of a point at Lat. 48°23'06"N Long. 124°35'59"W (WGS 1984) must meet the following standards. This area is very rugged, in order to accomplish deployment of resources logistical considerations will need to be planned for. Access to GRP locations may need to be done by helicopter or by land access, plans must identify all of the equipment that could be used to deploy GRPs. The boom and recovery resources to meet the two, three and six hour standards must be resident.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet or 4 times the largest vessel of open water boom whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 6,000 feet of boom with at least 4,000 feet of open water boom for containment, protection and recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived. 100% of the recovery devices must be able to work in open water environments	1 times the EDRC
12	Additional 10,000 feet of boom combination of types appropriate for containment, protection and recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 60% of the skimming capability must be able to work open water environments	1.5 times the EDRC

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
24	Additional 40,000 feet combination of appropriate types of boom for containment, protection and recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

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NEW SECTION

WAC 173-182-395 Copalis, Flattery Rocks and Quillayute Needles National Wildlife Refuge. Those vessel and facility plan holders that transit or operate within the jurisdictional waters of Washington state from a point Lat. 48°09'12.85"N Long. 124°54'35.63"W and Lat. 47°10'10.57.85"N Long. 124°22'05.15"W (WGS 1984) must meet the following standards. This area is very rugged, in order to accomplish deployment of resources logistical considerations will need to be planned for. Access to GRP locations may need to be done by helicopter or by land access, plans must identify all of the equipment that could be used to deploy GRPs.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
3	Additional 2,000 feet or 4 times the largest vessel of open water boom whichever is less, to be used for containment, protection or recovery could have arrived on scene		
6	Additional 12,000 feet of boom with at least 6,000 feet of open water boom for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived. 100% of the recovery devices must be able to work in open water environments	1 times the EDRC
12	Additional 10,000 feet of boom combination of types appropriate for containment, protection and recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 60% of the skimming capability must be able to work open water environments	1.5 times the EDRC
24	Additional 20,000 feet combination of types appropriate for containment, protection and recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

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NEW SECTION

WAC 173-182-400 Grays Harbor National Wildlife Refuge. Those vessel and facility plan holders that transit or operate within a five nautical mile radius of a point at Lat. 46°54'52.25"N Long. 124°10'26.45"W (WGS 1984) outside the entrance to Grays Harbor must meet these standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom or 4 times the largest vessel of boom to be used for containment, protection or recovery could have arrived on scene		
6	Additional 6,000 feet of boom with at least 1,000 feet of open water boom and 3,000 feet of calm water - current capable appropriate for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived. 25% must be able to work in shallow water environments - depth of 10 feet or less	1 times the EDRC
12	Additional 10,000 feet of boom with at least 1,000 feet of calm water - current capable, for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 50% must be able to work in open water, 25% of the skimming capability must be able to work in shallow water environments - depth of 10 feet or less	1.5 times the EDRC
24	Additional 40,000 feet of boom for boom containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
48	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

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NEW SECTION

WAC 173-182-405 Willapa National Wildlife Refuge. Those vessel and facility plan holders that transit or operate within a five nautical mile radius of a point at Lat. 46°44'00"N Long. 124°11'00"W (WGS 1984) outside the entrance to Willapa Bay must meet these standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
6	Additional 10,000 feet of boom with at least 6,000 feet of boom being calm water - current capable for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived. 10% must be able to work in shallow water environments - depth of 10 feet or less	1 times the EDRC
12	Additional 10,000 feet of boom with at least 1,000 feet of calm water - current capable, for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 50% must be able to work in open water, 25% of the skimming capability must be able to work in shallow water environments - depth of 10 feet or less	1.5 times the EDRC
24	Additional 40,000 feet of boom for boom containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

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NEW SECTION

WAC 173-182-410 Lewis and Clark National Wildlife Refuge.

Those vessel and facility plan holders that transit or operate on the Columbia River within a five river mile radius of a point at Lat. 46°12'25.17"N Long. 123°25'19.29"W (WGS 1984) must meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 7,000 feet of boom with at least 4,200 feet of boom being calm water - current capable for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived. 10% must be able to work in shallow water environments - depth of 10 feet or less	1 times the EDRC
12	Additional 10,000 feet of boom with at least 5,000 feet of calm water - current capable, for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 25% of the skimming capability must be able to work in shallow water environments - depth of 10 feet or less and 25% must be open water capable	1.5 times the EDRC
24	Additional 40,000 feet of boom with at least 10,000 feet of boom being calm water - current capable for boom containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived. At least 25% must be open water capable	2 times the EDRC

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
48	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

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NEW SECTION

WAC 173-182-420 Ridgefield National Wildlife Refuge. Those vessel and facility plan holders that transit or operate on the Columbia River within a five nautical mile radius of a point at Lat. 45°38'29.67"N Long. 122°43'10.44"W (WGS 1984) must meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
6	Additional 6,000 feet of boom with at least 3,000 feet of boom being calm water - current capable containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived. 10% must be able to work in shallow water environments - depth of 10 feet or less	1 times the EDRC
12	Additional 10,000 feet of boom with at least 5,000 feet of boom being calm water - current capable, for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 25% of the skimming capability must be able to work in shallow water environments - depth of 10 feet or less	1.5 times the EDRC
24	Additional 40,000 feet of boom with at least 10,000 feet of boom being calm water - current capable for boom containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

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NEW SECTION

WAC 173-182-430 McNary National Wildlife Refuge high risk site. Those vessel and facility plan holders that transit or

operate within a five nautical mile radius of a point at Lat. 46°09'46.78"N Long. 118°58'14.87"W (WGS 1984) must meet the following standards.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
2	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
3	Additional 2,000 feet of boom, or 4 times the largest vessel whichever is less, to be used for containment, protection or recovery could have arrived		
6	Additional 8,000 feet of boom with at least 4,800 feet of boom being calm water - current capable for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived. 10% must be able to work in shallow water environments - depth of 10 feet or less	1 times the EDRC
12	Additional 10,000 feet of boom with at least 5,000 feet of boom being calm water - current capable, for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived. At least 25% of the skimming capability must be able to work in shallow water environments - depth of 10 feet or less	1.5 times the EDRC
24	Additional 40,000 feet of boom with at least 10,000 feet of boom being calm water - current capable for boom containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

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NEW SECTION

WAC 173-182-440 Planning standards for other vessel transit locations.

Time (hours)	Boom/Assessment	Minimum Oil Recovery Rate % of WCS volume per 24 hours	Minimum Storage Volume
3	A safety assessment of the spill by work boat with trained crew and appropriate air monitoring, with 1,000 feet of boom could have arrived		
6	Additional 10,000 feet of boom appropriate for containment, protection or recovery could have arrived	Capacity to recover the lesser of 3% of worst case spill volume or 12,000 barrels within 24-hour period could have arrived	1 times the EDRC
12	Additional 20,000 feet - combination of appropriate types of boom to be used for containment, protection or recovery could have arrived	Capacity to recover the lesser of 10% of worst case spill volume or 36,000 barrels within 24-hour period could have arrived	1.5 times the EDRC
24	Additional 40,000 feet combination of appropriate types of boom to be used for containment, protection or recovery could have arrived	Capacity to recover the lesser of 14% of worst case spill volume or 48,000 barrels within 24-hour period could have arrived	2 times the EDRC
48	Sensitive areas protected by sufficient types and amounts of boom	Capacity to recover the lesser of 25% of worst case spill volume or 60,000 barrels within 24-hour period could have arrived	More as necessary to not slow the response

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NEW SECTION

WAC 173-182-450 Planning standards for the Washington coast.

These standards apply to vessels that enter Washington waters at the Columbia River, Grays Harbor or the Strait of Juan de Fuca, and offshore facilities.

Plan holders shall be capable of sustaining a worst case spill response and shall develop an addendum specific to Washington's coast, including:

(1) The capability, if applicable, for in situ burning, dispersant, and mechanical recovery;

(2) Surveillance equipment (including fixed wing, helicopters and low visibility equipment) to provide for aerial assessment of spill within six hours of spill awareness;

(3) Time frames and mechanisms to cascade in equipment and other resources for up to seventy-two hours;

(4) Ten thousand feet of boom appropriate for shoreline protection, containment and/or ten thousand feet of open water boom for enhanced skimming, containment or other use to arrive within twelve hours; and

(5) Twenty thousand feet of boom appropriate for containment, protection or recovery to arrive within twenty-four hours.

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Section D--Response and Protection Strategies for Sensitive Areas

NEW SECTION

WAC 173-182-510 Requirements for response and protection strategies. (1) Plan holders shall have methods to track and contain spilled oil and enhance the recovery and removal operations that are described in the plan.

(2) Each plan shall include how environmental protection will

be achieved, including:

(a) Protection of sensitive shoreline and island habitat by diverting or blocking oil movement;

(b) The plan shall include a description of the sensitive areas and develop strategies to protect the resources, including information on natural resources, coastal and aquatic habitat types and sensitivity by season, breeding sites, presence of state or federally listed endangered or threatened species, and presence of commercial and recreational species, physical geographic features, including relative isolation of coastal regions, beach types, and other geological characteristics. The GRPs have been developed to meet this requirement and plans may refer to the NWACP to meet this requirement. If approved GRPs do not exist in the NWACP, plan holders will work with ecology to determine alternative sensitive areas to protect;

(c) Identification of public resources, including public beaches, water intakes, drinking water supplies, and marinas;

(d) Identification of shellfish resources and methods to protect those resources;

(e) Identification of significant economic resources to be protected in the geographic area covered by the plan; and

(f) Each facility with the potential to impact a "sole source" aquifer or public drinking water source must identify the types of substrate and geographical extent of sensitive sites.

(3) Each plan shall identify potential initial command post locations.

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NEW SECTION

WAC 173-182-520 Planning standards for shoreline cleanup.

(1) Each plan shall identify, personnel and equipment, including absorbent material, to protect and clean three miles of shoreline and support for three days a total of one hundred people.

(2) The plan shall include a description for how the resources necessary to support fourteen days of shoreline cleanup will be obtained and brought to the spill site.

(3) Resources shall be appropriate to the shoreline areas that could be impacted and have the capability to arrive on scene within twenty-four hours.

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NEW SECTION

WAC 173-182-530 Planning standards for ground water spills.

(1) Each facility plan shall include a description of the methods to be used to immediately assess and mitigate ground water spills and prevent further migration.

(2) Facility plan holders shall include contact information in the plan for resources typically used to investigate, contain and remediate/recover spills to ground water. These resources shall have the capability to arrive on scene beginning at twelve hours of spill awareness.

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NEW SECTION

WAC 173-182-540 Planning standards for wildlife rescue and rehabilitation. The plan shall identify applicable federal, state and NWACP requirements for wildlife rescue and rehabilitation, and describe the equipment, personnel, resource and strategies for compliance with the requirements. These resources shall have the capability to arrive on scene within twenty-four hours of spill awareness.

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Section E--Plan Evaluation

NEW SECTION

WAC 173-182-610 Plan evaluation criteria. Plan holders shall prepare a plan that demonstrates capability, to the maximum extent practicable, of promptly and properly removing oil and minimizing environmental damage from a variety of spill sizes, up to and including worst case spills. Ecology will evaluate plans based on these conditions:

(1) Only ecology approved PRC resources, plan holder owned resources and resources guaranteed through written mutual aid agreements shall be counted when calculating the planning standards.

(2) If a plan holder operates in an area where more than one planning standard designation applies, ecology will determine the more stringent of planning standards.

(3) Ecology will count equipment if it is appropriate for the operating environment within the geographic area defined in the plan. Ecology will use criteria from sources such as the ASTM International documents, World Catalogue, manufacturer's recommendations, the Regional Equipment list, the federal OSRO guidelines, the *Field Operations Guide* (FOG) resource typing guidelines and drills and spills to make approval and verification determinations on operating environments.

(4) Ecology will count boom if it is appropriate to the operating environment and support equipment is identified. Support equipment for boom means transportation devices, cranes, anchors, boom tackle, connectors, work boats and operators.

(5) Ecology will only count dedicated response resources towards the one and two hour standards.

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NEW SECTION

WAC 173-182-620 Alternative method of evaluating planning standards. (1) A plan holder may request that ecology review and approve a plan based on alternative planning standards. Such requests should be submitted with the plan. Ecology will provide

the proposal for a thirty day public review period.

(2) The proposal must include, at a minimum:

(a) A reference to which planning standard(s) in this chapter the proposal will be substituted for;

(b) A detailed description of the alternative proposal including equipment, personnel, response procedures, and maintenance systems that are being proposed; and

(c) An analysis of how the proposal offers equal or greater protection or prevention measures as compared to the requirement in this chapter.

(3) Ecology may approve the alternative compliance proposal if, based upon the documents submitted and other information available to the agency, it finds that:

(a) The alternative compliance proposal is complete and accurate; and

(b) The alternative compliance proposal would provide an equivalent level of environmental protection in terms of spill preparedness and response when compared with the planning standards found in this chapter.

(4) Ecology may reconsider an approval at any time, in response to significant plan changes.

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NEW SECTION

WAC 173-182-630 Process for plan approval. (1) Upon receipt of a plan, ecology shall evaluate whether the plan is complete, and if not, the plan holder shall be notified of deficiencies within five days. The public review period does not begin until a complete plan is received.

(2) Once a plan is complete, ecology shall notify interested parties and make plans available for public review. Comments will be accepted during the first thirty calendar days of the review period.

(3) If the plan is approved, the plan holder receives a certificate describing the terms of approval, including plan expiration dates.

(a) Ecology may approve a plan conditionally and require a plan holder to operate under specific restrictions until unacceptable components of the plan are revised, resubmitted and approved.

(i) Precautionary measures may include, but are not limited

to, additional information for the plan, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours. Precautionary measures may also include additional requirements to ensure availability of response equipment.

(ii) Plan holders who fail to meet conditional requirements or provide required changes in the time allowed will forfeit conditional approval status.

(b) If plan approval is denied, the plan holder shall receive an explanation of the factors for denial and a list of actions necessary to gain approval. The plan holder shall not engage in oil storage, transport, transfer, or other operations without an approved plan.

(4) Ecology may review a plan following an actual spill or drill of a plan and may require revisions as appropriate.

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PART III: DRILL PROGRAM

NEW SECTION

WAC 173-182-700 Drill participation, scheduling and evaluation. (1) Plan holders and PRCs shall participate in an inspection and drill program for the purpose of ensuring that all contingency plan components function to provide, to the maximum extent practicable, prompt and proper removal of oil and minimization of damage from a variety of spill sizes. In Washington, a modified triennial cycle for drills, as found in the National Preparedness for Response Drill Program (PREP), is relied on to test each component of the response plan.

(2) Ecology shall be provided an opportunity to help design and evaluate all tabletop and deployment drills. To ensure this, plan holders shall schedule drills on the NWACP area exercise calendar. Scheduling requirements are noted in the table below.

(3) Ecology shall mail a written drill evaluation report for drills to the plan holder. Credit will be granted for drill objectives that are successfully met.

(4) Objectives that are not successfully met shall be tested again and must be successfully demonstrated within the triennial

cycle, except that significant failures will be retested within thirty days.

(5) Plan deficiencies identified in the written evaluation may require plan holders to make specific amendments to the plan.

(6) A plan holder may request an informal review of the ecology drill evaluation or spill evaluation within thirty days of receipt of the evaluation.

(7) Ecology may require the plan holder to participate in additional drills beyond those required in this section.

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NEW SECTION

WAC 173-182-710 Type and frequency of drills. The following drills shall be conducted within each triennial cycle.

Type of Drill	Frequency Within the Triennial Cycle	Special Instructions	Scheduling Instructions
Tabletop drills	3 - one in each year of the cycle	One of the three shall involve a worst case discharge scenario. The worst case discharge scenario drill shall be conducted once every three years.	Must be scheduled at least 60 days in advance, except the worst case discharge scenario at least 90 days in advance.
Deployment drills	6 - done two per year	These drills shall include, GRP deployments, testing of all types of equipment and demonstrating compliance with the planning standards.	Scheduled at least 30 days in advance.

Type of Drill	Frequency Within the Triennial Cycle	Special Instructions	Scheduling Instructions
Ecology initiated unannounced drills	As necessary	This drill may involve testing any component of the plan, including notification procedures, deployment of personnel, boom, recovery and storage equipment.	No notice.

(1) Tabletop drills:

(a) Tabletop drills are intended to demonstrate a plan holder's capability to manage a spill using the ICS. Role playing shall be required in this drill.

(b) Once during each three year cycle, the plan holder shall ensure that key members of the regional/national "away" team as identified in the contingency plan shall be mobilized in state for a drill, except that: At ecology's discretion, away team members may be evaluated in out-of-state tabletop drills if ecology has sufficient notice, an opportunity to participate in the drill planning process, and that the out-of-state drills are of similar scope and scale to what would have occurred in state. In this case, key away team members shall be mobilized in this state no longer than once every five years.

(2) Equipment deployment drills:

(a) During the triennial cycle, deployment drills shall include a combination of owned and contracted assets.

(b) Plan holders should ensure that each type of equipment listed in the plan and personnel responsible for operating the equipment are tested during each triennial cycle. Plan holders must design drills that will demonstrate the ability to meet the planning standards, including recovery systems and system compatibility. Drills shall be conducted in all operating environments that the plan holder could impact from spills.

(c) At least twice during a triennial cycle, plan holders shall deploy a GRP strategy identified within the plan. If no GRPs exist for the operating area, plan holders will consult with ecology to determine alternative sensitive areas to protect.

(3) Plan holders may receive credit for GRP deployment drills conducted by PRCs if:

(a) The PRC is listed in the plan; and

(b) The plan holder operates in the area, schedules and participates in the drill.

(4) Ecology initiated inspections and unannounced deployment and tabletop drills.

(a) In addition to the drills listed above, ecology will implement a systematic unannounced drill and inspection program to survey, assess, verify, inspect or deploy response resources listed in the plan. This program will be conducted in a way so that no less than fifty percent of the resources will be confirmed during

the first triennial cycle, and the remaining fifty percent during the subsequent triennial cycle.

(b) Unannounced drills may be called when specific problems are noted with individual plan holders, or randomly, to strategically ensure that all operating environments, personnel and equipment readiness have been adequately tested.

(c) Unannounced vessel notification drills are designed to test a vessel's ability to follow the notification and call-out process in the plan.

(d) Prior to the start of an unannounced deployment or tabletop drill, plan holders will be notified in writing of the drill objectives, expectations and scenario.

(e) Plan holders may request to be excused if conducting the drill poses an unreasonable safety or environmental risk, or significant economic hardship. If the plan holder is excused, ecology will conduct an unannounced drill at a future time.

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NEW SECTION

WAC 173-182-720 Evaluation criteria. The PREP guidance document lists fifteen core components that shall be demonstrated during the triennial cycle. Ecology adopts the fifteen core components as the criteria used to evaluate drills. The core components are as follows:

(1) Notifications: Test the notifications procedures identified in the plan.

(2) Staff mobilization: Demonstrate the ability to assemble the spill response organization identified in the plan.

(3) Ability to operate within the response management system described in the plan. This includes demonstration of the ICS staffing and process identified in the plan.

(4) Source control: Demonstrate the ability of the spill response organization to control and stop the discharge at the source.

(5) Assessment: Demonstrate the ability of the spill response organization to provide an initial assessment of the discharge and provide continuing assessments of the effectiveness of the tactical operations.

(6) Containment: Demonstrate the ability of the spill response organization to contain the discharge at the source or in various locations for recovery operations.

(7) Recovery: Demonstrate the ability of the spill response organization to recover, mitigate, and remove the discharged product. Includes mitigation and removal activities, e.g., dispersant use, in situ burn use, and bioremediation use.

(8) Protection: Demonstrate the ability of the spill response organization to protect the environmentally and economically sensitive areas identified in the NWACP and the plan.

(9) Disposal: Demonstrate the ability of the spill response organization to dispose of the recovered material and contaminated debris in compliance with guidance found in the NWACP.

(10) Communications: Demonstrate the ability to establish an effective communications system throughout the scope of the plan for the spill response organization.

(11) Transportation: Demonstrate the ability to provide effective multimode.

(12) Transportation both for execution of the discharge and support functions.

(13) Personnel support: Demonstrate the ability to provide the necessary logistical support of all personnel associated with the response.

(14) Equipment maintenance and support: Demonstrate the ability to maintain and support all equipment associated with the response.

(15) Procurement: Demonstrate the ability to establish an effective procurement system.

(16) Documentation: Demonstrate the ability of the plan holder's spill management organization to document all operational and support aspects of the response and provide detailed records of decisions and actions taken.

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NEW SECTION

WAC 173-182-730 Other ways to get drill credit. (1) Plan holders may request drill credit for a response to an actual spill, provided that ecology has an opportunity to participate and evaluate the spill response. Credit from spills shall not entirely alleviate the plan holder's responsibility to drill.

To obtain credit, a written request to ecology shall be made within sixty days of completion of the cleanup operations.

(a) The request shall include documentation supporting the components of WAC 173-182-720.

(b) Plan holders shall also submit a lessons learned summary with the request for drill credit.

(2) Plan holders may request drill credit for out-of-state tabletop drills if:

(a) Ecology has been invited to attend the drill;

(b) Ecology has an opportunity to participate in the planning process for the drill. There shall be a meeting to discuss the scope and scale of the exercise, the drill objectives and the types of criteria for which Washington credit may be applicable;

(c) Documentation of the drill and self certification documentation shall be provided to ecology within thirty days of the drill;

(d) The plan holder has one response plan for a number of facilities or a fleet of vessels; and

(e) Plan holders seeking credit for a scheduled out-of-state drill shall notify ecology in writing ninety days in advance, to provide ecology an opportunity to participate.

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NEW SECTION

WAC 173-182-740 Drill requirement waivers. (1) Plan holders may request a waiver for a deployment or tabletop drill requirements.

(2) The request shall be in writing and shall describe why a waiver should be considered and how the plan holder is meeting the purpose and intent of the drill program with the waiver.

(3) Plan holder's requests for a drill waiver will be made available for public review for a period of thirty days.

(4) Ecology will evaluate the request and respond in writing within sixty calendar days of receipt of the letter.

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PART IV: PRIMARY RESPONSE CONTRACTOR (PRC) STANDARDS

NEW SECTION

WAC 173-182-800 PRC application. (1) To become a state-approved PRC, a response contractor must:

(a) Submit an application as set forth in subsection (2) of this section;

(b) Have a process to provide twenty-four hour/day contact for spill response;

(c) Commit to begin mobilization efforts immediately upon notification but no later than one hour from notification of a spill;

(d) Maintain equipment in accordance with manufacturer specifications; and

(e) Assist plan holders in meeting the requirements for drills in Washington.

(2) To apply, a contractor should complete, sign and submit the application form number ECY 070-216.

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NEW SECTION

WAC 173-182-810 Submittal and review of contractor applications. (1) Once an application is received, ecology will determine whether it is complete. If not, the response contractor shall be notified of deficiencies in writing and given a time period for submitting the required information.

(2) An on-site inspection to verify equipment and personnel readiness will be conducted once the application is approved. During the inspection, ecology may inspect equipment, training records, maintenance records, drill records, and may request a test of the call-out procedures, and require operation of the equipment listed in the application. Inspections may be conducted at any/all equipment locations. Any resources not on-site at the time of an inspection shall be accounted for by company records.

(3) If the application is approved and the inspection is satisfactory, the contractor shall receive a letter of approval describing the terms of approval, including expiration dates and

EDRC of the recovery equipment. PRC approvals will be reviewed by ecology every three years. Applications shall be resubmitted forty-five calendar days in advance of the expiration date.

(4) If the application is not approved, the contractor shall receive an explanation of the factors for disapproval and a list of actions to be taken to gain approval.

(5) Approval of a response contractor by ecology does not constitute an express assurance regarding the adequacy of the contractor nor constitute a defense to liability imposed under state law.

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NEW SECTION

WAC 173-182-820 Significant changes require notification.

(1) The PRC is responsible to provide written notification to ecology and plan holders to whom they are obligated, within twenty-four hours, of any significant change in the information reported in the approved application. The notice shall include the identification of back up resources sufficient to maintain the PRC readiness level, and the estimated date that the original equipment shall be back in full service. Changes which are considered significant include loss of equipment that affect the planning standard spreadsheet of any plan holder covered by the PRC, personnel identified in ICS positions by plan holders, changes in equipment ownership, or a greater than ten percent decrease in available spill response equipment. Failure to report changes could result in the loss of PRC approval. Notification by facsimile or e-mail will be considered written notice.

(2) If ecology determines that PRC approval conditions are no longer met, approval may be revoked or conditionally modified. The PRC will receive a written notice of the loss of approval or conditional modifications and a time period to either appeal or correct the deficiency.

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PART V: INSPECTION AND COMPLIANCE INFORMATION

NEW SECTION

WAC 173-182-900 Inspections. Ecology may verify compliance with this chapter by unannounced inspections in accordance with RCW 90.56.410 and chapter 88.46 RCW. These inspections will be used to verify training and equipment maintenance records, verification of drills, accuracy of call-out and notification lists, spill management team lists, ICS forms, waste disposal records, post-spill reviews and lessons learned.

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NEW SECTION

WAC 173-182-910 Noncompliance. (1) If a plan holder is unable to comply with an approved contingency plan or otherwise fails to comply with requirements of this chapter, ecology may, at its discretion:

- (a) Place conditions on approval; and
- (b) Require additional drills to demonstrate effectiveness of plan; or
- (c) Revoke its approval.

(2) Approval of a plan by ecology does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under state law.

(3) Any violation of this chapter may be subject to the enforcement and penalty sanctions.

(4) Ecology may assess a civil penalty of up to one hundred thousand dollars against any person who is in violation of this section. Each day that a covered vessel, facility or person is in violation of this section shall be considered a separate violation.

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NEW SECTION

WAC 173-182-920 Operation without plan. (1) A covered vessel may not enter or operate on the waters of the state without an approved, or conditionally approved, contingency plan. A vessel not in compliance with this chapter may enter waters of the state if the Coast Guard has determined that the vessel is in distress.

(2) The owner or operator of a regulated facility may not operate without an approved, or conditionally approved, plan nor transfer cargo or passengers to or from a tank vessel that does not have an approved, or conditionally approved, contingency plan. The owner or operator of a covered vessel may not transfer oil to or from an onshore or offshore facility that does not have an approved or conditionally approved contingency plan.

(3) Ecology may assess a civil penalty under RCW 43.21B.300 of up to one hundred thousand dollars against any person who is in violation of this section. Each day that a facility or person is in violation of this section shall be considered a separate violation.

(4) Any person found guilty of willfully violating any of the provisions of this chapter, or any final written orders or directive of ecology or a court shall be deemed guilty of a gross misdemeanor and upon conviction shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment in the discretion of the court. Each day upon which a willful violation of the provisions of this chapter occurs may be deemed a separate and additional violation.

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NEW SECTION

WAC 173-182-930 Severability. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

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